

DIRECT IMPLEMENTATION STRATEGY FOR INDIAN COUNTRY
U.S. EPA REGION 5
Fiscal Year 2004

Introduction

The U.S. Environmental Protection Agency (EPA) has the responsibility for managing federal environmental programs for Indian Country, unless and until tribes have assumed regulatory and program management authorities. As set forth in EPA's 1984 Indian Policy, the Agency will assist interested tribal governments in assuming regulatory and program management responsibilities for those programs that have delegable responsibilities. EPA recognizes that because it will take time and resources for tribes to assume regulatory responsibilities, there will be a period of time during which EPA is primarily responsible for managing federal environmental programs for Indian Country. For those regulatory and program management responsibilities that cannot be assumed by tribal governments, the Agency will continue to ensure implementation on every reservation.

In carrying out its responsibilities for Indian Country, EPA's fundamental objective is to protect human health and the environment. EPA recognizes tribal governments as sovereign entities with primary authority and responsibility for reservation populations. EPA's Indian Policy recognizes the Agency's commitment to working with tribes on a government-to-government basis in making decisions to carry out program responsibilities in Indian Country. As with other responsibilities carried out by EPA, the Agency's efforts to undertake direct implementation are constrained by the availability of resources and the limitations of federal statutory and regulatory authorities. Given the current resource constraints, EPA's direct implementation efforts will focus on areas of greatest significance to the protection of human health and the environment.

The Region has some discretion in how it chooses to undertake direct implementation activities. In some cases, the Region may assign Agency personnel to perform direct implementation activities. In other cases, it may be desirable to explore ways in which tribes can more actively assist the Region in performing these activities. One such option is the authority which allows EPA and an interested tribe to enter into a direct implementation tribal cooperative agreement (DITCA) whereby the tribe can assist EPA in carrying out its federal responsibilities. The DITCA option depends on a number of factors, including the interest and capability of individual tribes, and there are a number of preconditions which must be in place before this option can be fully implemented. In addition, tribes may assume or be delegated a number of federal regulatory and program authorities. The Strategy indicates which program authorities can currently be delegated to tribes. However, there are a number of eligibility and technical factors that must be evaluated prior to pursuing program authorization and/or delegation. Tribes interested in either DITCAs or program delegation should discuss with the Indian Environmental Office and the appropriate Region 5 Division.

This Strategy is an attempt to systematically identify the scope of EPA's direct implementation responsibilities for the thirty-five federally recognized tribes in Region 5. Each Fiscal Year, the document will be updated and refined to assure that it is a useful tool for both tribes and the Region. We have attempted to be comprehensive in identifying direct implementation responsibilities, and recognize that not all of these activities would occur on each reservation. The Indian Environmental Office, in conjunction with the appropriate media divisions, will summarize the direct implementation activities for each reservation on an annual basis and provide this information to the tribes during the annual strategic planning process.

Implementation of the Clean Air Act (CAA)

1. **Designations** When the Agency issues a new or revised national ambient air quality standard (NAAQS), EPA has the responsibility to designate geographic areas as nonattainment (area does not meet the standard) or attainment/unclassifiable (area meets the standard or area cannot be classified on the basis of available information). The Agency has issued a new 8-hour ozone NAAQS and a new 2.5 micron particulate matter NAAQS, and a designation for each must be made for every reservation.

Region 5 Division: Air and Radiation
Universe: 35 tribes/reservations
DI Option(s): Designation by the Agency in the Federal Register
Preferred DI Option: Designation by the Agency in consultation with the tribes
Resource Costs: 1.0 FTE; \$10,000 in travel
Schedule: All designations will be finalized, in consultation with the tribes, on a parallel track with state designations. The Agency's current guidance for the 8-hour ozone standard states: (1) request submittal of designation recommendations by July 15, 2003, (2) promulgate designations by April 15, 2004. The Agency's current guidance for the PM2.5 standard states: (1) request submittal of designation recommendations by February 15, 2004, (2) promulgate designations by December 15, 2004.

Tribal Assumption
Possible?: No

2. **Federal Implementation Plans (FIPs)** FIPs are a collection of regulations (including emission limits, monitoring requirements, enforcement programs) that will be used to achieve and maintain NAAQS. EPA has developed NAAQS for carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide. Region 5 Indian Country is in attainment for all NAAQS with the possible exception of the revised 8-hour ozone standard and the revised 2.5 micron particulate matter standard. For a reservation that is not in attainment for the new standards, has major sources, and the tribe is not interested in developing a tribal implementation plan (TIP), a FIP may need to be developed.

Region 5 Division: Air and Radiation
Universe: Reservations designated nonattainment and have major sources
DI Option(s): (1) FIP developed by Agency
(2) In accordance with a DITCA, tribal staff develops a FIP
Preferred DI Option: Agency develops FIP
Resource Costs: 0.1 FTE; \$2,000 in travel
Schedule: In FY'04, EPA will determine which reservations may need a FIP, and initiate any required work in FY'05.

Tribal Assumption
Possible?: Yes

3. **Permitting** Where tribes have not assumed permitting authority, EPA has the responsibility to issue prevention of significant deterioration (PSD) construction permits for new major facilities and major modifications to existing major facilities. After construction is complete, operating permits (also known as Part 71 permits) are required for facilities that are classified

as “major” or meet other criteria. Major sources are those that emit, or have the potential to emit on an annual basis at least 250 tons of any air pollutant or 10 tons of a hazardous air pollutant. The permits specify what requirements apply to the facility and what actions the facility must take to comply with those requirements. Currently, the Agency does not have statutory authority to issue construction and operating permits for “minor” sources.

Region 5 Division: Air and Radiation
 Universe: Fond du Lac – Great Lakes Natural Gas
 Leech Lake – Great Lakes Natural Gas
 Mille Lacs – Grand Casino Diesel Generator
 Prairie Island – Casino Generator
 St. Croix – proposed 70-100MW natural gas-burning power plant
 DI Option(s): (1) Agency develops/issues PSD and Part 71 permits
 (2) In accordance with a DITCA, tribal staff drafts PSD and Part 71 permits for issuance by the Agency
 Preferred DI Option: Agency develops/issues permits
 Resource Costs: 1.3 FTE; \$8,000 in travel
 Schedule: Fond du Lac – issue public notice of PSD/Part 71 permit
 Leech Lake – issue public notice of Part 71 permit
 Mille Lacs – Part 71 application anticipated
 Prairie Island – issue public notice of Part 71 permit
 St. Croix – PSD application anticipated
 Tribal Assumption
 Possible?: Yes

4. **Inspections/Compliance Assistance/Enforcement** Where tribes have not assumed enforcement authority, inspections will be conducted to determine if specific major facilities/sites are meeting CAA requirements. Based on the inspections, appropriate enforcement action will be taken on sources with applicable requirements.

Region 5 Division: Air and Radiation
 Universe: 35 reservations
 DI Option(s): (1) Agency conducts inspections and takes enforcement action
 (2) In accordance with a DITCA, tribal staff who have obtained inspector credentials conduct inspections and/or compliance assistance and forward information to the Agency for appropriate enforcement action
 (3) Inspections carried out by authorized representative and information is forwarded to EPA for appropriate enforcement action
 Preferred DI Option: In accordance with a DITCA, tribal staff conducts inspections and/or compliance assistance and forwards information to the Agency for appropriate enforcement actions. Where DITCAs have not been developed, Agency conducts inspections and takes enforcement actions.
 Resource Costs: 0.2 FTE; \$3,000 in travel
 Schedule: On-going as needed. Based on tips/complaints and observance of the terms and conditions of the facility operating permits.

Tribal Assumption
Possible?: Yes

5. **Section 112(r) – Risk Management Planning** Under Section 112(r) of the CAA, owners and operators of a stationary source with more than a threshold quantity of a regulated substance, as listed in 40 CFR 68.130, must submit to the Agency risk management plans (RMPs) which outline risks posed to the surrounding community and measures in place to mitigate those risks and/or respond to emergencies at the facility. The Agency has the responsibility to verify that the RMPs contain the necessary components and are adequate.

Region 5 Division: Superfund
Universe: Facilities in Indian Country that are required to report (presently unknown nationwide)
DI Option(s): (1) Agency reviews plans and takes appropriate enforcement action
(2) In accordance with a DITCA, tribal staff review plans and forward information to the Agency for appropriate enforcement action
(3) Reviews are carried out by authorized representative and information is forwarded to the Agency for appropriate enforcement action
Preferred DI Option: Agency conducts inspections
Resource Costs: No additional costs, addressed as part of normal workload
Schedule: In FY'04, the Agency will identify facilities in Indian Country, if any, that are suspected to be non-compliers, and outline steps it will take to seek compliance with Section 112(r) by those facilities.
Tribal Assumption
Possible?: Yes

Implementation of the Clean Water Act (CWA)

1. **Water Quality Standards** Water quality standards (WQS) are provisions of law that: (1) specifically designate the uses of surface waters; (2) establish the water quality criteria that are necessary to protect designated uses; and (3) establish an antidegradation policy and implementation procedures for maintaining and protecting existing water quality. Once developed, WQS form a basis for program implementation actions (such as 401 certifications or development of water quality-based effluent limitations for NPDES permits), and are used in conjunction with monitoring data to assess water quality.

Region 5 Division: Water
Universe: 33 reservations/tribes (where tribes do not have Section program eligibility for CWA Section 303 and approved WQS)
DI Option(s): (1) EPA develops and promulgates core federal WQS
(2) Region 5 works on promulgation of regional federal WQS (potentially regional WQS for reservations in the Great Lakes Basin and regional WQS for reservations in the Upper Mississippi Basin)
(3) Region 5 plans and carries out implementation actions based on site-specific water quality criteria to protect uses
Preferred DI Option: In FY'04, EPA HQ intends on promulgating an Advanced Notice of Proposed Rulemaking for federal WQS for waters in Indian Country.

The ANPRM is a pre-rulemaking action that is used to determine whether a federal agency should initiate rulemaking. Until tribal or federal WQS are fully in place, Region 5 will plan and carry out implementation actions based on site-specific water quality criteria to ensure aquatic life and recreational uses of the waters are protected. Region 5 will consult with the tribes on implementation actions.

Resource Costs: 0.2 staff FTE to work with EPA HQ on possible promulgation of federal WQS; 0.5 staff FTE for WQS implementation actions

Schedule: On-going

Tribal Assumption

Possible: Yes, under CWA Section 518

2. **Permitting** Under Section 402 of the CWA, facilities which discharge to surface waters must obtain NPDES permit coverage. Permits specify effluent limitations, facility operational requirements, and monitoring and reporting requirements.

Region 5 Division: Water

Universe: 120 NPDES permittees currently identified

DI Option(s): (1) Agency develops and issues permit
(2) Agency issues general permits for categories of discharges where pollution risks are relatively lower, and discharge characteristics are very similar from site to site
(3) In accordance with a DITCA, tribal staff draft permit language to assist Region 5 with development of NPDES permits.

Preferred DI Option: Region 5 will continue to refine the inventory of active NPDES dischargers located in Indian Country. Region 5 will public notice and issue permits for new dischargers and re-issue expired/expiring permits in Indian Country, with priority emphasis on new permits, permits for relatively larger facilities, and other facilities that have relatively more significant potential environmental impacts. Region 5 will allocate staff resources to effectively respond to jurisdictional issues/permit appeals related to NPDES permits in Indian Country. Region 5 will assess based on facilities inventories if efficiencies could be gained through issuance of general permits for certain categories of discharges where potential environmental impacts are not to be expected to be severe. Region 5 will work with interested tribes to explore feasibility of DITCAs covering work to assist with NPDES permit issuances.

Resource Costs: 0.75 staff FTE

Schedule: On-going

Tribal Assumption

Possible?: Yes, under CWA Section 518. Tribal organization implementing the program would need to be fully independent of organizations operating permitted facilities.

3. **Permitting for Storm-water Discharges** The CWA requires NPDES permits for storm water discharges associated with industrial activity. The Phase I Rule regulates discharges from municipal separate storm-sewer systems with populations of at least 100,000 and 11 categories

of industrial activity, including construction sites that disturb 5 or more acres. The Phase II Rule expands coverage to include storm water discharges from smaller municipal separate storm-sewer systems and discharges from construction sites between 1-5 acres. The Agency has promulgated a general permit for storm water discharges from construction sites/activities in Indian Country in Michigan, Minnesota, and Wisconsin.

Region 5 Division: Water
Universe: 35 tribes/reservations
DI Option(s): (1) Agency develops and issues individual permits
(2) Agency assesses if general permits may be warranted for other categories of industrial activity
Preferred DI Option: Region 5 will also assess if a general permit(s) may be appropriate for other categories of storm water discharges, and will issue individual (site-specific) permits for storm water discharges from industrial sites/activities where it is not suitable to provide coverage under a general permit.
Resource Costs: 0.75 staff FTE
Schedule: On-going
Tribal Assumption
Possible?: Yes, under CWA Section 518. Tribal organization implementing the program would need to be fully independent of tribal organizations operating permitted facilities.

4. **Compliance Assistance/Inspections/Enforcement for NPDES Permits** Agency reviews discharge monitoring reports (DMRs) from permittees. Inspections can be carried out to verify that NPDES requirements are met. Based on the compliance tracking and inspection findings, enforcement actions will be initiated, as appropriate.

Region 5 Division: Water
Universe: 120 NPDES permittees currently identified
DI Option(s): (1) Agency conducts inspections of permitted facilities/discharges
(2) Agency conducts inspections of construction sites to ensure compliance with general permits
(3) Region 5 supports Circuit Rider program, to provide compliance assistance to tribal utilities subject to NPDES permit requirements
(4) In accordance with a DITCA, tribal staff who have obtained inspector credentials conduct inspections and/or compliance assistance and forward information to the Agency for appropriate follow-up action
(5) Agency receives DMRs for facilities with EPA permits, enters data into the permit compliance system, and checks reports for significant violations.
Preferred DI Option: Region 5 will conduct inspections of permitted facilities, including construction sites, and will work with tribes to have tribal staff obtain inspector credentials, where appropriate, and deploy tribal inspectors to assist with inspection activities, as feasible. Region 5 will initiate enforcement actions, as warranted based on noncompliance with permit requirements and inspection findings. Inspections and enforcement

actions will be prioritized based on: known water quality impacts; potential significant water quality impacts; recalcitrance of violators; size of dischargers and pollutants in the discharge; failure to monitor and report. Region 5 will continue to support the Circuit Rider program, to provide compliance assistance to tribal utilities subject to NPDES permit requirements.

Resource Costs: 2.0 staff FTE, plus funding for Circuit Rider program

Schedule: On-going

Tribal Assumption

Possible?: Yes, under CWA Section 518. Tribal organization implementing the program would need to be fully independent of organizations operating permitted facilities.

5. **Water Quality Certification** Under Section 401 of the CWA, an applicant for a federal license/permit to conduct an activity which may result in a discharge into navigable waters must obtain certification that such discharge will not result in use impairments nor be inconsistent with antidegradation provisions. For tribes that have not assumed CWA Section 401 authority, EPA is responsible for issuing the required certifications.

Region 5 Division: Water

Universe: 34 tribes/reservations (where tribes do not yet have program eligibility for Section 401)

DI Option(s): (1) Agency develops and issues 401 Certification
(2) In accordance with a DITCA, tribal staff conduct preliminary analysis and develop a draft 401 Certification document, with certification action to be undertaken by Region 5

Preferred DI Option: Agency develops and issues certification

Resource Costs: Resource needs covered under WQS implementation and 404 permitting

Schedule: On-going, as projects become known

Tribal Assumption

Possible: Yes, under CWA Section 518. Tribes must have CWA Section 303 program eligibility and approved WQS.

6. **Dredge and Fill Permitting** Under Section 404 of the CWA, a permit is required for the discharge of dredged or fill material into navigable waters, including wetlands. For tribes that have not assumed Section 404 of the CWA, the Army Corps of Engineers is the federal permitting authority. EPA is responsible for reviewing and providing comments on the proposed Section 404 permits.

Region 5 Division: Water

Universe: 35 tribes/reservations

DI Option(s): Region 5 conducts reviews and provides input to ACOE permit actions, as projects become known

Preferred DI Option: Region 5 will conduct reviews and provide input to permit actions, as projects become known. Region 5 will communicate with the tribe regarding reviews of proposed Section 404 permits.

Resource Costs: 0.2 staff FTE

Schedule: On-going, as projects are proposed
 Tribal Assumption
 Possible?: Yes, under CWA Section 518. Tribal organization implementing the program would need to be fully independent of organizations seeking or operating under Section 404 permits.

7. **Inspections/Compliance Assistance/Enforcement for Wetlands** EPA and the U.S. Army Corps of Engineers are responsible for ensuring that Section 404 permits are obtained, where required, and that permit terms and conditions are complied with. Inspections can be carried out to verify that applicable requirements have been met.

Region 5 Division: Water
 Universe: 35 tribes/reservations
 DI Option(s): (1) Agency and/or ACOE conducts inspections and initiate enforcement
 (2) In accordance with a DITCA, tribal staff who have obtained inspector credentials conduct inspections and/or compliance assistance and forward information to the Agency for appropriate follow-up action
 Preferred DI Option: Region 5 will plan inspections in consultation with the ACOE, taking into account potential environmental impacts and tribal or public comments/observations regarding dredging or filling activities. Based on compliance monitoring and inspection findings, enforcement actions will be initiated for significant instances of noncompliance. Region 5 will work with interested tribes to explore the feasibility of DITCA covering work to assist with Section 404-related inspection activities.
 Resource Costs: 0.1 staff FTE
 Schedule: On-going, as needed
 Tribal Assumption
 Possible?: Yes, under CWA Section 518. Tribal organization implementing the program would need to be fully independent or organizations seeking or operating under Section 404 permits.

8. **Oil Spill Response** Under Section 311 of the CWA, the Agency is required to respond to releases into navigable waters of petroleum products that pose a threat to human health and the environment. The Agency has the responsibility under CWA Section 311 to oversee clean up.

Region 5 Division: Superfund
 Universe: 35 tribes/reservations
 DI Option(s): Agency staff respond
 Preferred DI Option: Agency response
 Resource Costs: Resource needs determined as an event occurs
 Schedule: Respond as event occurs
 Tribal Assumption
 Possible?: No

9. **Inspections/Compliance Assistance/Enforcement – Oil Storage Facilities** Under Section 311 of the Clean Water Act, above ground oil storage facilities must prepare a spill prevention, control and counter-measures (SPCC) plan. The Agency has the responsibility to verify that

the plans contain the necessary components and are adequate.

Region 5 Division: Superfund
Universe: Regulated above ground facilities in Indian Country (presently unknown nationwide). Including:
Keweenaw Bay Indian Community – Northern Oil

DI Option(s): (1) Agency conducts inspections and takes appropriate enforcement
(2) In accordance with a DITCA, tribal staff who have obtained inspector credentials conduct inspections and/or compliance assistance and forward information to the Agency for appropriate enforcement action
(3) Inspections carried out by authorized representatives and information is forwarded to the Agency for appropriate enforcement action

Preferred DI Option: Agency conducts inspections
Resource Costs: No additional costs, addressed as part of normal workload
Schedule: The Agency will include facilities located in Indian Country in any sector-based efforts to identify non-compliers.

Tribal Assumption
Possible?: No

Implementation of the Comprehensive Environmental Response, Compensation and Liability Act

1. **CERCLIS Database** The Agency maintains the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS), an inventory of locations where hazardous wastes are believed to have been released. With every action taken at a particular site, CERCLIS is updated to reflect current site status. CERCLIS is available on-line at www.epa.gov/superfund/sites/topics.

Region 5 Division: Superfund
Universe: 35 tribes/reservations
DI Option(s): Agency maintains database
Preferred DI Option: Agency maintains database
Resource Costs: No additional costs, addressed as part of normal workload
Schedule: On-going
Tribal Assumption
Possible?: No

2. **Emergency Response** When notified of a release of hazardous substances to the environment, EPA will coordinate an immediate response to clean-up and/or contain the hazardous substances.

Region 5 Division: Superfund
Universe: 35 tribes/reservations
DI Option(s): Agency response
Preferred DI Option: Agency response
Resource Costs: Resource needs determined as an event occurs
Schedule: Respond as event occurs

Tribal Assumption
Possible?: No

3. **Site Remediation** The most serious hazardous waste sites are placed on the National Priority List (NPL) and targeted for clean-up first. The Agency will coordinate the process to clean-up the NPL sites identified within or adjacent to Region 5 Indian Country.

Region 5 Division: Superfund
Universe: St. Regis Paper - Leech Lake
Fox River (proposed) – Oneida and Menominee
Packaging Corporation of America – Little River Band
DI Option(s): Agency assigns remedial program manager to coordinate clean-up
Preferred DI Option: Agency response
Resource Costs:
Schedule: Site clean-ups underway
Tribal Assumption
Possible?: No

4. **Inspections/Compliance Assistance/Enforcement – Emergency Planning and Community Right-to-Know Act (EPCRA)** Under SARA Title III amendments to CERCLA, any facility that produces, uses, or stores particular chemicals in a quantity greater than the threshold planning quantities must meet certain emergency reporting requirements. Reports are to be submitted to the tribal emergency response commission (TERC) or the formal EPCRA organization (including local emergency response commission) selected by the tribe, and the local fire department. If these reports have not been submitted, EPA can take enforcement actions. SARA Title III also sets forth requirements for creation of such response commissions and places obligations on the TERC for emergency planning and exercising those plans. An administrative law judge decision in EPA Region 3 indicates that the latter steps need to be in place in order for enforcement actions to be supported against a challenge in court.

Region 5 Division: Superfund
Universe: Facilities in Indian Country that are required to report (universe of regulated facilities in Region 5 unknown)
DI Option(s): (1) Agency conducts inspections and takes appropriate enforcement action against facilities on reservations where tribes have established TERCs or other formal EPCRA organizations and prepared plans
(2) In accordance with a DITCA, tribal staff who have obtained inspector credentials conduct inspections and/or compliance assistance and forward information to the Agency for appropriate enforcement action. Agency takes enforcement action against facilities on reservations where tribes have established TERCs or other formal EPCRA organizations and prepared plans.
(3) Inspections carried out by authorized representative and information forwarded to the Agency for appropriate enforcement action. Agency takes enforcement actions against facilities on reservations where tribes have established TERCs or other formal EPCRA organizations and prepared plans.

Preferred DI Option: Agency conducts inspections
 Resource Costs: No additional costs, addressed as part of normal workload
 Schedule: At the request of a tribe or in conjunction with sector-targeted enforcement initiatives, the Agency can conduct inspections of facilities for purposes of compliance assistance or, when an EPCRA organization and emergency plan is in place for the reservation, enforcement can be undertaken by the Agency

Tribal Assumption

Possible?: No

5. **Inspections/Compliance Assistance/Enforcement Actions for EPCRA Section 313** An owner or operator of a regulated facility must report to EPA and the state, environmental releases, off-site transfers, and particular information required by the Pollution Prevention Act for specific toxic chemicals listed by statute/regulation that were manufactured, processed, or otherwise used in quantities exceeding an established threshold quantity during a calendar year. This information is stored in a database known as the Toxic Release Inventory. Such reports are to be filed by July 1st for the preceding calendar year. The Agency conducts inspections and issues enforcement actions to achieve compliance.

Region 5 Division: Waste, Pesticides and Toxics

Universe: 35 tribes/reservations

DI Option(s): (1) Agency conducts inspections and takes appropriate enforcement action
 (2) In accordance with a DITCA, tribal staff who have obtained inspector credentials conduct inspections and/or compliance assistance and forward information to the Agency for appropriate enforcement action
 (3) Inspections carried out by authorized representative and information is forwarded to the Agency for appropriate enforcement action

Preferred DI Option: Agency conducts inspections and takes appropriate enforcement action. Agency will work with tribes interested in applying for DITCAs.

Resource Costs: No additional staff costs projected above normal workload

Schedule: As part of annual Region 5 neutral inspection targeting, the Agency will identify facilities as potential sites for inspection.

Tribal Assumption

Possible?: No

Implementation of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)

1. **Operate Certification Program** Under FIFRA, applicators must be certified as competent to apply restricted use pesticides in accordance with national standards. Applicator training includes safe pesticide use, label comprehension, pesticide application equipment and techniques, environmental hazards, pesticide product information, and laws/regulations. For tribes that have not assumed federal programs and have not entered into agreements with a state, the Agency has the responsibility to assure that applicators of restricted use pesticides operating in Indian Country have the necessary training on pesticide use and integrated pest management, and are certified to apply restricted use pesticides.

Region 5 Division: Waste, Pesticides and Toxics
 Universe: 35 tribes/reservations
 DI Option(s): (1) Agency operates certification program
 (2) Agency enters into reciprocity agreements with states who are operating Certification Programs, to certify applicators who are applying restricted use pesticides in Indian Country
 Preferred DI Option: Agency enters into reciprocity agreements with states who are operating Certification Programs, to certify applicators who are applying restricted use pesticides in Indian Country
 Resource Costs: 0.1 staff FTE; \$80,000 in grants for cooperative agreements
 Schedule:
 Tribal Assumption
 Possible?: Yes

2. **Enforce Establishment Compliance** Under FIFRA, pesticide products must be registered with EPA before they can be sold and distributed. Any establishment that produces a pesticide or pesticide active ingredient must be registered with EPA. FIFRA also imposes reporting and recordkeeping requirements on certain establishments. EPA conducts inspections at producing and retail establishments, and any other establishment that distributes pesticides, to ensure proper registration, labeling, formulation, reporting, and recordkeeping.

Region 5 Division: Waste, Pesticides and Toxics
 Universe: 33 tribes/reservations
 DI Option(s): (1) Agency conducts inspections and takes appropriate enforcement action
 (2) In accordance with a DITCA, tribal staff who have obtained inspector credentials conduct inspections and/or compliance assistance and forward information to the Agency for appropriate enforcement action
 (3) Inspections carried out by authorized representative and information is forwarded to the Agency for appropriate enforcement action
 Preferred DI Option: EPA conducts inspections and takes enforcement action. Agency will work with tribes interested in applying for DITCAs.
 Resource Costs: 0.3 staff FTE; \$80,000 in grants for cooperative agreements
 Schedule: On-going, based on tips and complaints initially. The Agency will develop a neutral inspection scheme based on information collected concerning establishments in Indian Country.
 Tribal Assumption
 Possible?: Yes

3. **Enforce Pesticide Use Compliance** Under FIFRA, all registered pesticides have labels which include precautions, warnings and use directions. An applicator who does not fully comply with the label requirements is in violation of FIFRA. Product labels for pesticides registered for use on farms, forests, nurseries and greenhouses, will cite the requirement to follow the Worker Protection Standards (WPS). Agricultural establishments and commercial establishments who use such pesticide products must adhere to some or all of the use

requirements under the WPS. The Agency is responsible for verifying that pesticides are being used in accordance with their labels, and if not, take appropriate enforcement action.

Region 5 Division: Waste, Pesticides and Toxics
Universe: 35 tribes/reservations
DI Option(s): (1) Agency conducts inspections and takes appropriate enforcement action
(2) In accordance with a DITCA, tribal staff who have obtained inspector credentials conduct inspections and/or compliance assistance and forward information to the Agency for appropriate enforcement action
(3) Inspections carried out by authorized representative and information is forwarded to the Agency for appropriate enforcement action
Preferred DI Option: EPA will conduct inspections. Agency will work with tribes interested in applying for DITCAs.
Resource Costs: 0.4 FTE; \$5,000 travel; \$80,000 in grants for cooperative agreements
Schedule: On-going, based on tips and complaints initially. The Agency will develop a neutral inspection scheme based on information collected concerning agricultural activities in Indian Country.
Tribal Assumption
Possible?: Yes

4. **Enforce Endangered Species Protection Program** Under FIFRA, pesticide labels instruct users to comply with the limitations set forth in each county endangered species bulletin. EPA has the responsibility to assure that pesticide users comply with the stated label limitations.

Region 5 Division: Waste, Pesticides and Toxics
Universe: 33 tribes/reservations
DI Option(s): Currently a voluntary program
Resource Costs: Resource needs covered under pesticide use compliance above
Schedule: The Agency will address this particular use restriction under item number 3 “Enforce Pesticide Use Compliance”, at such time as the program is deemed enforceable by EPA Headquarters
Tribal Assumption
Possible?: To be determined

5. **Enforce Proposed Pesticide and Groundwater State Management Plan Rule** Under the proposed Rule, states and tribes are required to develop a pesticide management plan (PMP) to protect groundwater from the pesticide active ingredients atrazine, simazine, alachlor and metolachlor. If PMPs are not developed and approved by EPA, the use of these pesticide active ingredients will be prohibited on the reservation. If a tribe elects not to develop a PMP, the Agency will enforce the use prohibition.

Region 5 Division: Waste, Pesticides and Toxics
Universe: 33 tribes/reservations
DI Option(s): (1) Agency conducts inspections and takes appropriate enforcement action

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| | (2) In accordance with a DITCA, tribal staff who have obtained inspector credentials conduct inspections and/or compliance assistance and forward information to the Agency for appropriate enforcement action |
| | (3) Inspections carried out by authorized representative and information is forwarded to the Agency for appropriate enforcement action |
| Preferred DI Option: | EPA will conduct inspections. Agency will work with tribes interested in applying for DITCAs. |
| Resource Costs: | Resource needs covered under pesticide use compliance above |
| Schedule: | The Agency will address this particular use restriction under item number 3 “Enforce Pesticide Use Compliance”, at such time as the Rule is published as final in the Federal Register |
| Tribal Assumption Possible?: | To be determined |

Implementation of the Resource Conservation and Recovery Act (RCRA)

Subtitle C – Hazardous Waste

1. **Reporting/Notification** Under Sections 3002-3003 of RCRA, facilities that handle (generate, store, transport, etc.) hazardous wastes must notify EPA and receive a RCRA identification number. A waste is considered hazardous if it possesses at least one of four characteristics (ignitability, corrosivity, reactivity, or toxicity), or EPA has determined it is a “listed hazardous waste.” EPA will maintain a database of hazardous waste handlers in Region 5 Indian Country.

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| Region 5 Division: | Waste, Pesticides and Toxics |
| Universe: | 35 tribes/reservations (150 generators known) |
| DI Option(s): | Agency maintains database |
| Preferred DI Option: | Agency maintains database |
| Resource Costs: | No additional resources needed, addressed as part of normal workload |
| Schedule: | On-going, as facilities are identified |
| Tribal Assumption Possible?: | No |

2. **Permitting** Under Section 3005 of RCRA, facilities that treat, store, and/or dispose of hazardous waste must receive a federal operating permit. The permits specify applicable requirements and what actions the facility must take to comply with those requirements.

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| Region 5 Division: | Waste, Pesticide and Toxics |
| Universe: | Currently, there are no known facilities in Region 5 Indian Country. |
| DI Option(s): | Agency issues permits |
| Preferred DI Option: | Agency issues permits |
| Resource Costs: | 0.0 staff FTE |
| Schedule: | Agency response as facilities are identified |
| Tribal Assumption Possible?: | No |

3. **Inspections/Compliance Assistance/Enforcement** Under Section 3007 of RCRA,

inspections will be performed to verify that facilities are meeting RCRA requirements. Compliance assistance will be offered to help facilities maintain compliance. If required, appropriate enforcement action will be taken to ensure facilities are in compliance.

Region 5 Division: Waste, Pesticide and Toxics
Universe: 35 tribes/reservations (150 facilities known)
DI Option(s): (1) Agency conducts inspections and takes appropriate enforcement action
(2) In accordance with a DITCA, tribal staff who have obtained inspector credentials conduct inspections and/or compliance assistance and forward information to the Agency for appropriate enforcement action
(3) Inspections carried out by authorized representative and information is forwarded to the Agency for appropriate enforcement action
Preferred DI Option: Initially, EPA will conduct inspections. The Agency will work with tribes interested in applying for DITCAs.
Resource Costs: 0.25 staff FTE; \$3,000 travel
Schedule: 6-8 facilities are targeted annually for compliance assistance/inspections
Tribal Assumption
Possible?: No

Subtitle D – Solid Waste

1. **Inspections/Compliance Assistance/Enforcement** Inspections will be performed to verify that construction/demolition landfills are in compliance with 40 CFR Part 257 and municipal solid waste landfills are in compliance with 40 CFR Part 258. Compliance assistance will be offered to help facilities maintain compliance. If required, appropriate enforcement action will be taken to ensure facilities are in compliance.

Region 5 Division: Waste, Pesticide and Toxics
Universe: Municipal solid waste landfills – currently none
Construction/demolition landfills – 7 tribally-operated (Bois Forte, Grand Portage, Keweenaw Bay, Lac du Flambeau {2}, Red Lake, White Earth)
Illegal dumps with C/D waste: 2 (Lower Sioux, Sault Ste. Marie)
DI Option(s): (1) Agency conducts inspections and takes appropriate enforcement action
(2) In accordance with a DITCA, tribal staff who have obtained inspector credentials conduct inspections and/or compliance assistance and forward information to the Agency for appropriate enforcement action
(3) Inspections are contracted and information is forwarded to the Agency for appropriate enforcement action
Preferred DI Option: Initially, EPA will conduct inspections. The Agency will work with tribes interested in applying for DITCAs.
Resource Costs: 1.0 staff FTE; \$4,000 travel; \$50,000 grant for Senior Environmental Employment Program
Schedule:

Tribal Assumption
Possible: No

Subtitle I – Underground Storage Tanks (USTs)

1. **Reporting/Notification** Under Section 9002 of RCRA, there are reporting requirements for the following occasions: at the time of UST installation, when a suspected release occurs, when corrective actions are taken, and when the UST is permanently closed. Section 9002 of RCRA explicitly states all tank notifications must be sent to the implementing state agency, however, Region 5 will maintain a UST database for Indian Country.

Region 5 Division: Waste, Pesticide and Toxics
Universe: 35 tribes/reservations
370 operating tanks, 21 temporarily closed, 969 permanently closed
DI Option(s): Agency maintains database
Preferred DI Option: Agency maintains database
Resource Costs: Resource needs included in inspection/compliance assistance work below
Schedule: Information updated and received as needed through tribal contacts, review of state databases, and federal inspections
Tribal Assumption
Possible?: No

2. **Inspections/Compliance Assistance/Enforcement** Under Section 9005 of RCRA, facilities will be inspected to verify that the USTs are in compliance with the federal requirements for operation and maintenance. EPA will offer compliance assistance to help facilities maintain compliance, and take appropriate enforcement actions to ensure facilities are in compliance.

Region 5 Division: Waste, Pesticide and Toxics
Universe: 370 operating tanks, 21 temporarily closed
DI Option(s): (1) Agency conducts inspections and takes appropriate enforcement action
(2) In accordance with a DITCA, tribal staff who have obtained inspector credentials conduct inspections and/or compliance assistance and forward information to the Agency for appropriate enforcement action
(3) Inspections carried out by authorized representative and information is forwarded to the Agency for appropriate enforcement action
Preferred DI Option: Initially, EPA will conduct inspections. The Agency will work with tribes interested in applying for DITCAs.
Resource Costs: 1.1 staff FTE; \$50,000 in contracts (Senior Environmental Employment Program); \$1,400 in travel
Schedule: On-going, 40-60 USTs are targeted annually for inspections
Tribal Assumption
Possible?: No

3. **Corrective Action Oversight** The Agency will provide oversight during the remediation of leaking underground storage tanks (LUSTs).

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| Universe: | 75 LUSTs |
| DI Option(s): | (1) Agency provides oversight (2) In accordance with a DITCA, tribal staff provide oversight |
| Preferred DI Option: | Agency will provide oversight. EPA will work with tribes interested in applying for DITCAs. |
| Resource Costs: | Resource needs included in inspections/compliance assistance work above |
| Schedule: | On-going |
| Tribal Assumption | |
| Possible: | No |

Implementation of the Safe Drinking Water Act (SDWA)

1. **Monitor Public Water Supplies** Under the SDWA, public water supplies are required to monitor drinking water in accordance with national standards, and meet maximum contaminant level (MCL) and treatment requirements. Monitoring reports are submitted to the Agency for compliance review, tracking, and input into the national database. The Region 5 goal is at least 90% of the tribal community water systems will be in full compliance with monitoring and reporting requirements.

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| Region 5 Division: | Water |
| Universe: | 126 tribal public water systems Number of non-tribally owned public water systems not yet identified |
| DI Option(s): | (1) Agency tracks and reports compliance (2) Region 5 supports Circuit Rider program, to provide compliance assistance to tribal utilities subject to PWSS monitoring requirements |
| Preferred DI Option: | Agency tracks and reports compliance. Circuit Riders provide technical assistance to regulated entities related to monitoring requirements and monitoring activities. |
| Resource Costs: | 8.2 staff FTE; \$215,000 annually for Circuit Rider program; 2.5 FTE in Senior Environmental Employment Program |
| Schedule: | Information received and database updated on an on-going basis |
| Tribal Assumption | |
| Possible?: | Yes. There is a two-phased process: program eligibility pursuant to SDWA Section 1451 and program primacy. Tribal organization implementing the program would need to be fully independent of organization operating the tribal public water supply system(s). |

2. **Enforce Public Water Supply Requirements** Instances of noncompliance with monitoring, MCL, or reporting requirements will be followed-up on, and enforcement actions will be initiated, as appropriate. The national EPA goal is at least 95% of the population served by tribal community water systems will be provided drinking water that meets all EPA health-based standards.

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| Region 5 Division: | Water |
| Universe: | 126 tribal public water systems Number of non-tribally owned public water systems not yet identified |

DI Option(s): (1) Agency conducts follow-up with compliance assistance and, as appropriate, enforcement actions
(2) Region 5 supports Circuit Rider program, to provide compliance assistance to tribal public water systems

Preferred DI Option: Agency conducts follow-up with compliance assistance and, as appropriate, enforcement actions. Decision-making regarding compliance and/or enforcement actions will be based on compliance tracking data, input from Circuit Riders, input from tribal environmental staff, and potential public health impacts. Region 5 will continue to support the Circuit Rider program, to provide compliance assistance to tribal public water systems.

Resource Costs: Resource needs covered under monitoring public water systems above

Schedule: On-going, as needed

Tribal Assumption

Possible?: Yes. There is a two-phased process: program eligibility pursuant to SDWA Section 1451 and program primacy. Tribal organization implementing the program would need to be fully independent of organization operating the tribal public water supply system(s).

3. **Regulation of Underground Injection Wells** Under SDWA, EPA has established national requirements for proper operation and in some cases closure of underground injection control (UIC) wells. UIC wells are either authorized by rule or in some instances, such as for most deep wells, authorized by permit. To date all shallow Class V wells in Region 5 have been authorized by rule (assuming the owner/operators have submitted inventory information to EPA). The Agency is responsible for permit actions for UIC wells in Indian Country for which permits are required.

Region 5 Division: Water

Universe: Class I wells – none identified in Indian Country
Class II wells – 16 (Saginaw Chippewa reservation)
Class III wells – none identified in Indian Country
Deep Class V (spent-brine return flow) wells – none identified in Indian Country
Shallow Class V wells – 503 (Number of wells identified to date, including closed/inactive wells. The inventory for shallow Class V wells is growing as inventory development efforts accelerate.)

DI Option(s): Agency assesses environmental impacts and compliance with standards, and takes UIC permit action (issuance or denial)

Preferred DI Option: Agency assesses environmental impacts and compliance with standards, and takes UIC permit action (issuance or denial) where permits are needed

Resource Costs: 2.5 staff FTE; 4 FTE interns (tribal colleges); 2 FTE Senior Environmental Employment Program

Schedule: On-going

Tribal Assumption

Possible?: Yes. There is a two-phased process: program eligibility pursuant to SDWA Section 1451 and program primacy. Tribal organization

implementing the program would need to be fully independent of organizations operating UIC wells.

4. **Inspection/Compliance Assistance/Enforcement of UIC Requirements** Under the SDWA, the Agency has established national requirements for proper operation and closure of UIC wells. The Agency has the responsibility to assure that all regulated UIC wells are in compliance.

Region 5 Division: Water
Universe: Class I wells – none identified in Indian Country
Class II wells – 16 (Saginaw Chippewa reservation)
Class III wells – none identified in Indian Country
Deep Class V (spent-brine return flow) wells – none identified in Indian Country
Shallow Class V wells – 503 identified to date (including closed/inactive)
DI Option(s): (1) Region 5 conducts inspections and takes appropriate enforcement action
(2) In accordance with a DITCA, tribal staff who have obtained inspector credentials conduct inspections and/or compliance assistance and forward information to the Agency for appropriate follow-up action
Preferred DI Option: EPA will conduct inspections and initiate enforcement action, as appropriate. Region 5 will work with interested tribes to explore the feasibility of DITCAs for facility inspections.
Resource Costs: Resource needs covered under permitting/regulation of UIC wells above
Schedule: EPA will continue to build the Class V inventory for Region 5 Indian Country, and will undertake investigations/follow-up for wells suspected of adversely impacting groundwater
Tribal Assumption Possible?: Yes. There is a two-phased process: program eligibility pursuant to SDWA Section 1451 and program primacy. Tribal organization implementing the program would need to be fully independent of organizations operating UIC wells.

Implementation of the Toxic Substances Control Act (TSCA)

Lead-Based Paint Requirements

1. **Inspections/Compliance Assistance/Enforcement Actions – Section 1018** Section 1018 of TSCA requires disclosure of information concerning lead-based paint and lead-based paint hazards before the sale or lease of target housing built before 1978. The Agency has the responsibility to ensure that proper disclosure is occurring on each reservation.

Region 5 Division: Waste, Pesticide and Toxics
Universe: 35 tribes/reservations
DI Option(s): (1) Agency conducts inspections and takes appropriate enforcement action
(2) In accordance with a DITCA, tribal staff who have obtained inspector credentials conduct inspections and/or compliance assistance

and forward information to the Agency for enforcement action, as appropriate

(3) Inspections carried out by authorized representative and information forwarded to the Agency for appropriate enforcement action

Preferred DI Option: EPA will conduct inspections. The Agency will work with tribes interested in applying for DITCAs.

Resource Costs: 0.3 staff FTE; \$3,000 travel

Schedule: On-going, inspections based on tips and complaints

Tribal Assumption

Possible: No

2. **Operate Training/Accreditation/Certification Program – Section 402** Section 402 of TSCA requires accreditation of lead-based paint training programs, certification of individuals and firms engaged in lead-based paint activities, and work practice standards for performing such activities. The Agency has the responsibility to ensure that individuals and firms performing lead-based paint activities (inspections, risk assessments and abatement) in Indian Country have the necessary training and certification.

Region 5 Division: Waste, Pesticides and Toxics

Universe: 33 tribes/reservations

DI Option(s): (1) Agency operates a training/accreditation/certification program, conducts inspections, and takes appropriate enforcement action
(2) Agency operates a training/accreditation/certification program. In accordance with a DITCA, tribal staff who have obtained inspector credentials conduct inspections/compliance assistance and forward information to the Agency for appropriate enforcement action.
(3) Agency operates a training/accreditation/certification program. Inspections carried out by authorized representative and information is forwarded to the Agency for appropriate enforcement action.

Preferred DI Option: Agency operates a training/accreditation/certification program and conducts inspections, as needed. Agency will work with tribes interested in applying for DITCAs to conduct inspections.

Resource Costs: 0.1 staff FTE; \$2,000 travel

Schedule: On-going. Agency will accredit and certify training providers, firms and individuals performing lead-based paint activities in Indian Country on demand. Conducts inspections based on tips and complaints.

Tribal Assumption

Possible: Yes

3. **Inspections/Compliance Assistance/Enforcement Action – Section 406(b)** Section 406(b) of TSCA requires that compensated renovators distribute information on lead-based paint and lead-based paint hazards to owners and occupants of most pre-1978 residential housing before beginning renovations. The Agency has the responsibility to ensure that the required information is distributed prior to renovation in Indian Country.

Region 5 Division: Waste, Pesticide and Toxics

Universe: 35 tribes/reservations

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| DI Option(s): | (1) Agency conducts inspections and takes enforcement action (2) In accordance with a DITCA, tribal staff who have obtained inspector credentials conduct inspections/compliance assistance and forward information to the Agency for appropriate enforcement action (3) Inspections carried out by authorized representative and information is forwarded to the Agency for appropriate enforcement action |
| Preferred DI Option: | Agency will conduct outreach/education activities and provide compliance assistance to the regulated community until this rule becomes enforceable. When the rule becomes enforceable, the Agency will conduct inspections based on tips/complaints. EPA will work with tribes interested in applying for DITCAs. |
| Resource Costs: | \$1,000 travel, no additional staff cost is projected above normal workload |
| Schedule: | On-going, respond to tips and complaints |
| Tribal Assumption | |
| Possible?: | Yes |

TSCA Section 6 – Asbestos

1. **Inspections/Compliance Assistance/Enforcement Actions – AHERA** The Asbestos Hazard Emergency Response Act requires schools to be inspected for asbestos-containing building materials, to develop management plans, and implement response actions in K-12 schools. The statute also requires other persons to comply with the requirements of AHERA or any rule or order issued under AHERA. The Agency is responsible for overseeing compliance with AHERA and for providing outreach and technical assistance.

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| Region 5 Division: | Waste, Pesticides and Toxics |
| Universe: | 35 tribes/reservations |
| DI Option(s): | (1) Agency conducts inspections and takes enforcement action (2) In accordance with a DITCA, tribal staff who have obtained inspector credentials conduct inspections and/or compliance assistance and forward information to the Agency for appropriate enforcement action (3) Inspections carried out by authorized representative and information forwarded to the Agency for appropriate enforcement action |
| Preferred DI Option: | EPA will conduct inspections and take appropriate enforcement action. The Agency will work with tribes interested in applying for DITCAs. |
| Resource Costs: | \$1,000 travel, no additional staff cost is projected above normal workload |
| Schedule: | On-going, based on tips/complaints |
| Tribal Assumption | |
| Possible?: | No |

2. **Inspections/Compliance Assistance/Enforcement Actions – MAP** The Model Accreditation Plan requires mandatory training and accreditation for all persons who inspect for and who design and conduct response actions regarding asbestos-containing building materials in school, public, and commercial buildings. The training includes how to properly identify asbestos, as well as, the proper techniques and procedures to prevent releases of

asbestos. Training and accreditation can be obtained through the following sources: EPA-approved tribal accreditation program, EPA-approved state accreditation program, EPA-approved accreditation program administered by private companies.

Region 5 Division: Waste, Pesticides and Toxics
Universe: 35 tribes/reservations
DI Option(s): (1) EPA conducts inspections and takes appropriate enforcement action
(2) In accordance with a DITCA, tribal staff who have obtained inspector credentials conduct inspections and/or compliance assistance and forward information to the Agency for appropriate enforcement action
(3) Inspections carried out by authorized representative and information forwarded to EPA for appropriate enforcement action
Preferred DI Option: EPA will conduct inspections. The Agency will work with tribes interested in applying for DITCAs.
Resource Costs: No additional staff costs projected above normal workload
Schedule: On-going, inspections based on tips/complaints
Tribal Assumption
Possible?: No

TSCA Section 6 – Polychlorinated Biphenyls (PCBs)

1. **Inspections/Compliance Assistance/ Enforcement Actions** TSCA regulations include a ban on the manufacture, processing, and distribution in commerce of PCBs, as well as, requirements for proper use, storage, disposal, recordkeeping, and marking. The Agency conducts inspections to ensure compliance with these regulations.

Region 5 Division: Waste, Pesticides and Toxics
Universe: 35 tribes/reservations
DI Option(s): (1) Agency conducts inspections and takes enforcement action
(2) In accordance with a DITCA, tribal staff who have obtained inspector credentials conduct inspections and/or compliance assistance and forward information to the Agency for appropriate enforcement action
(3) Inspections carried out by authorized representative and information forwarded to the Agency for appropriate enforcement action
Preferred DI Option: EPA will conduct inspections. The Agency will work with tribes interested in applying for DITCAs.
Resource Costs: \$1,000 travel, no additional staff costs projected above normal workload
Schedule: As part of annual Region 5 neutral inspection targeting, the Agency will identify facilities as potential sites for inspection
Tribal Assumption
Possible?: No

2. **Remediation of Spilled PCBs** PCB regulations require the proper disposal of PCBs and/or PCB contaminated material by a permitted facility (e.g. incinerator or landfill). There are also regulations governing the remediation of PCBs that were improperly disposed or spilled.

Region 5 Division: Waste, Pesticides and Toxics
 Universe: 35 tribes/reservations
 DI Option(s): On a case by case basis, the Agency (operating under TSCA, Superfund, RCRA or GLNPO) ensures that applicable statutes/regulations governing the proper remediation of PCB contamination are followed
 Preferred DI Option: Agency response
 Resource Costs: No additional staff costs projected above normal workload
 Schedule: Respond as event occurs
 Tribal Assumption
 Possible?: No

Enforce TSCA Sections 4, 5, 8, 12, and 13 -- Core TSCA

1. **Inspections/Compliance Assistance/Enforcement Actions** TSCA provides the Agency with authorities to control, including prohibit any aspect of commerce, those chemical substances and mixtures which present an unreasonable risk of injury to health or the environment, and to take action with respect to chemical substances and mixtures which are imminent hazards. Such aspects of commerce include the manufacture, processing, labeling, processing, distribution, importation, storage, testing, use, exportation, disposal, and/or recordkeeping of chemical substances and mixtures. The Agency ensures compliance with the statutory and regulatory requirements of core TSCA through inspections and enforcement actions.

Region 5 Division: Waste, Pesticides and Toxics
 Universe: 35 tribes/reservations
 DI Option(s): Agency conducts inspections and takes appropriate enforcement action
 Preferred DI Option: EPA conducts inspections and takes appropriate enforcement action
 Resource Costs: No additional staff costs projected above normal workload
 Schedule: As part of annual Region 5 neutral inspection targeting, the Agency will identify facilities as potential sites for inspection.
 Tribal Assumption
 Possible?: No